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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 3 March 1994 from the Permanent Representative of the Kingdom of the Netherlands to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

It has come to my notice that at the 49th meeting of the fiftieth session of the Commission on Human Rights on 2 March 1994, H.E. Mr. Abdelaziz Shiddo, the Minister of Justice and Attorney-General of the Republic of Sudan, delivered a statement in which he referred to a report of our Minister for Development Cooperation, Mr. J. Pronk, to the 2nd Chamber of the Netherlands Parliament on 10 January 1994. The Minister of Justice of the Republic of Sudan quoted parts of that report in the text of his statement that was distributed in the Commission.

I have been requested by my Government to present to you the full text of the letter that Minister Pronk sent to the Parliament on 10 January 1994, with a translation into the English language. I wish to draw attention in particular to the conclusion at the end of the letter of our Minister where he states that he came to the conclusion that the reports on the human rights situation in the Nuba Mountains compiled by Amnesty International and others are largely based on facts.

I have also been requested to state that my Government supports the report to the Commission by the Special Rapporteur, Mr. Gáspár Bíró. Our Minister has had frequent contacts with Mr. Bíró before and after his visit to Sudan

I appreciate your assistance in bringing this letter to the attention of the Commission.

(signed): J.F. Boddens-Hosang
Ambassador

To the Speaker of the
Lower House of Parliament

Subject: My visit to Sudan Date: 10 January 1994

From 23 to 27 October 1993, I visited Sudan. I made this journey following an invitation from President Omar Al Bashir, extended during my visit to Khartoum in April 1993, to make a separate journey to the Nuba Mountains so that I could personally acquaint myself with the situation there. According to reports from Amnesty International, Africa Watch, and other sources, serious violations of human rights are taking place in the Nuba Mountains. I accepted this invitation on condition that I would be allowed to go wherever I wanted and to speak with whomever I chose, at least within the part of this region controlled by the Government.

In addition to visiting this particular part of the Nuba Mountains, I had talks in Khartoum with both government and opposition leaders. The main topics of these discussions, which were a follow-up to talks I had had in March and April 1993, were the civil war in the South, humanitarian aid, and the prospects for peace. I reported to you on my previous talks in my letter of 13 April 1993.

1. My visit to the Nuba Mountains:

The Nuba people consists of dozens of subtribes and clans, speaking many different languages. It includes Muslims, Christians, and animists.

From 24 to 26 October, I chose to visit the following Nuba villages and camps (or "peace villages") in the state of Kordofan, where I spoke with the inhabitants:

- Angarko peace village in the province of Dilling
- Samasin village in the province of Dilling
- Kulkul village in the province of Dilling
- Kuwayk village in the province of Dilling
- Kuwayk village in the province of Kadugli
- a peace village on the outskirts of Kadugli, housing displaced persons from Agab
- Saburi village in the province of Kadugli, in the Nuba Mountains
- Lagori in the province of Kadugli, a partially abandoned village in the Nuba Mountains
- Al Ifayn in the province of Kadugli, a village in the Nuba Mountains that had been destroyed

- a district in the city of Kadugli mainly inhabited by Baggara Arabs

- a district in the city of Kadugli mainly inhabited by Nuba Christians

- Es Salaam Camp, a peace village near the city of Kadugli

- A'idin Camp for returnees who had fought on the SPLA side, near Kadugli.

We were allowed to speak with whomever we chose. A number of conversations took place without the presence of officials.

The peace villages set up by the government authorities for Nuba refugees made an organized impression, with good basic facilities in view of the circumstances. The inhabitants had been allotted small plots of land to grow their own food; they were free to travel in and out of the camp; and when they left for good, this was recorded. Many - though not all - of the government authorities stated that they regarded the peace villages as permanent. The concentration of people made it easier to provide such facilities as schools. Practically all the inhabitants with whom I spoke stated that they wanted to return to their home villages once things were peaceful again. The situation of the people in these camps was substantially better than that of the inhabitants of the camps for displaced persons in Southern Sudan which I had visited in March 1993; it was also better than that in the El Xeiram camp, southwest of the Nuba Mountains, which I also visited and which was mainly inhabited by Dinkas from southern Sudan, and it was better than that in the camps for displaced persons around Khartoum.

In the villages I visited on the road between Dilling and Kadugli as well as in the remote villages east of Kadugli, there were practically no basic facilities. The people with whom I spoke all stated that the situation had been very bad some years previously, when people had been murdered and press-ganged, cattle had been rustled, and villages destroyed. The culprits were identified as either the SPLA rebels or Arab militias. At the time of my visit, the security situation was improving, and people were gradually returning to their devastated and, in some cases, abandoned villages. It was striking how many arms there were in the region; the Government had already started making arms available to groups of private individuals in 1986.

In Kadugli, I also spoke with representatives of two Christian churches. Although they had previously faced major problems in the form of restrictions on their freedom of movement and arbitrary arrests of priests, the situation had improved since the beginning of the year. They believed that this was partly due to international pressure. The Christians were now free to practise their religion without any problems.

2. Discussions in Khartoum

The peace process in Sudan was the main topic of the discussions I had in Khartoum which preceded and followed my journey to the Nuba Mountains. I spoke with the following Sudanese Government and opposition leaders:

- President Omar Hassan Ahmed Al Bashir
- the Minister for Federal Affairs and government spokesman on the peace negotiations, Dr. Ali Al Haj
- the Minister of State assisting the President, responsible for political and security matters, Dr. Ghazi Salah Eddin Atabani
- the Minister for Foreign Affairs, Dr. Hussain Sulaiman Abu Salih
- the Minister of State for Social Affairs, responsible for emergency aid and rehabilitation, Dr. Abou Ouof
- the Minister for Emergency Aid and Rehabilitation, Prof. Abdallah Deng Niyal
- the Minister for Financial and Economic Affairs, Dr. Abdel Rahim Mahmoud Hamdi
- the Minister for Housing in the state of Khartoum, Dr. Banaga (architect of the forced movement of displaced)
- Dr. Hasan Al Turabi, National Islamic Front ideologist
- Dr. Sadiq Al Mahdi, former Prime Minister
- Dr. Abel Alier, former Vice President.

During my talks with President Al Bashir, I informed him about my visit to the Nuba Mountains. I also urged the President to make basic facilities available in the home villages as soon as the situation allowed, since this would give people a real choice between staying in their peace villages and returning home. In addition, on the subject of the current international peace talks, I urged the President not to launch a military offensive, despite John Garang's declaration that as from 25 October he would be resuming military activities against the Government.

In my discussions with government leaders, both the hardliners and moderates appeared more enthusiastic than they had been in April for negotiations aimed at an early end to the war in the South. We discussed President Carter's mediation initiative and the IGADD mediation initiative (taken by the Presidents of Kenya, Uganda, Ethiopia, and Eritrea under the leadership of President Moi of Kenya), and I informed the government leaders that the Netherlands was making a contribution to the Carter Centre in order to help resolve the conflict. The government leaders expressed a deep distrust of the SPLA and of countries they claimed were supporting the SPLA.

During the discussions, Dr. Hasan Al Turabi, the influential ideologist of the ruling fundamentalist National Islamic Front, stated his belief that the three southern states ought to be allowed to decide for themselves whether legislation implementing sharia criminal law should apply in their territories. He also stated that consideration should be given to redrawing the borders of the southern states in order to make their governments more representative of their populations. He hoped that this would help reduce conflict. Interestingly, he also stated that four or five years after peace had been achieved, there could be a referendum on the future of the South, which could include the option of secession.

With regard to religious freedom in Sudan, a number of people, including Minister Ghazi Atabani, confirmed that the controversial 1962 Missionary Act, which binds the activities of foreign churches to a restrictive licensing system, was now under review in a favourable sense.

Minister Hamdi touched on the continuing decline in Sudan's economic situation. I took this opportunity to explain the new Dutch policy on development cooperation with the country, and pointed out that only rehabilitation and emergency aid were at present possible. I also pointed out that an end to the civil war was among the prerequisites for any improvement in relations with international donors and financial institutions. In addition, I assured Minister Hamdi that once there was a serious prospect of peace, I would be prepared to urge international financial institutions and donors to take this into consideration in their decision making on international aid. With Ministers Ouof, Deng, and Banaga, I discussed the possibility of a number of rehabilitation projects for displaced persons and the transport of food to the South.

During my stay in Khartoum, I visited a number of camps for displaced persons, and had talks with the main INGO representatives, who informed me that the visit of Ambassador Traxler, the United Nations Secretary-General's Special Representative for humanitarian affairs, had led to some improvements, but that it was still very difficult to obtain permission from the Sudanese authorities to implement new activities in the South.

3. Conclusion

To sum up, I have come to the conclusion that the reports on the human rights situation in the Nuba Mountains compiled by Amnesty International and others are largely based on fact. The Nuba who fled their villages because their safety was under threat are being housed by the Sudanese Government in camps, known as "peace villages", where influence is being exerted on them to adapt their identity to a highly Arab Islamic culture. It should be noted that, as far as the overall living conditions are concerned, the Nuba are relatively better off than the inhabitants of the camps for displaced persons in southern Sudan, around Khartoum, or the Dinkas in the Al Meiram camp, which I also visited. As soon as the security situation permits, some of the Nuba will return gradually to their home villages. Talks with Christians in Kadugli revealed that their situation had improved, which they said was also a result of pressure on the Sudanese Government by the international community.

The willingness of the present Sudanese leaders to reach a lasting solution of the conflict in southern Sudan by means of realistic negotiations seems to have increased. The greatest problem remains the continuing war. Continued economic and political pressure is for the moment the only way to resolve the conflict, together with the increasing involvement of countries in the region in arriving at a peace settlement.

THE MINISTER FOR DEVELOPMENT COOPERATION

J.P. Pronk